

Proposed

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DATE: July 19, 2004

FACSIMILE COVER PAGE

OUR FAX # 949-450-1764

OUR TELEPHONE # 949-450-1750

TO: Examiner Kathryn Odland

YOUR FAX # 703-746-8172

FROM: Donald E. Stout

RE: Application SN 09/781,793 (Attorney Docket No. A-1714)

THIS TRANSMISSION CONSISTS OF 11 PAGES INCLUDING THIS COVER PAGE.
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Dear Examiner Odland:

Pursuant to our telephone conversation today, I reviewed the Goble et al. reference and prepared the attached proposed claim amendments. I am faxing them to your direct fax for your review and hopeful approval. I think these changes address your concerns, in that independent apparatus claims 1, 15, and 24 have all been proposed to be amended to include the salient features of claims 8, 18, and 25, respectively, namely, a recitation of a mechanical actuator, other than the suture, connected to the suture locking plug for moving the suture locking plug. This should address your concerns re the Goble et al. ball moving because the device is tilted, for example, though I continue to believe the original claims are patentable, and we will likely pursue them in a continuation application.

Regarding method claim 32, this claim has been proposed to be amended to include the limitations of claim 38, as requested. Claim 41 is proposed to be canceled, as requested. Claim 42 appears to be clearly patentable over Goble et al., since there is no way the suture locking ball 145 in the Fig. 23 embodiment can move distally beyond the pulley 141, so I am not sure why you requested the cancellation of this claim. If you wish to discuss further, and explain the prior art rejection against claim 42, please call.

If you approve of this proposed amendment, I will file an official version tomorrow, together with the requested terminal disclaimer. Please call at 949-450-1750.

Thanks